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8184

7590 07/17/2007  
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EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

07/17/2007

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/775,831

Applicant(s)

HENRY ET AL.

Examiner

Md S. Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a): In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 06/18/2007. Claims 1-20 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed on 06/18/2007 Remarks have been fully considered but they are not persuasive.

Regarding claim 1, the Applicant argues on page 6 that "The Examiner has admitted that Kasiviswanthan fails to disclose generating a query to a supplementary database to determine both whether a central office switch supports a supplementary service and whether a user has access to voicemail service. (See Office Action dated Nov. 15, 2006, page 4)". Examiner respectfully disagrees with this argument. The examiner didn't admit such a statement. Instead the examiner admitted that **Kasiviswanathan** fails to teach to determine whether a user has access to a voicemail service based on a caller identifier. Examiner relied upon **Kasiviswanthan** to teach generating a query to a supplementary database to determine both whether a central office switch supports a supplementary service. In col.4, lines 43-47, **Kasiviswanthan** teaches that switch 210 ascertains whether Subscriber B 220 has a voice mail feature by checking VMA category 230 associated with Subscriber B 220. It clearly means that there must have a database [i.e., supplementary database] in the system from where the switch can make a query in order to perform the check. Therefore, it is clear that **Kasiviswanthan** teaches generating a query to a

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supplementary database to determine both whether a central office switch supports a supplementary service.

Regarding claim 1, the Applicant argues on page 6 that “Like Kasiviswanthan, Mowery also fails to teach the element”. Examiner respectfully disagrees with this argument. The examiner didn’t rely upon **Mowery** for the teaching of the limitation “generating a query to a supplementary database to determine both whether a central office switch supports a supplementary service”. The examiner relied upon Mowery to teach for determining whether a user has access to a voicemail service based on a caller identifier (see col.4, lines 52-64, col.5, lines 64-68, col.6, lines 1-19).

Thus the rejection of the claim in view of **Kasiviswanathan** and **Mowery** remain.

Claims 11 and 16 are rejected for the same reasons as discussed above with respect to claim

1.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kasiviswanathan** (US 6,215,857) in view of **Mowery et al.** (US 5,278,897).

As to Claims 1,6,11,14-17, with respect to Figures 1-3, **Kasiviswanathan** teaches a system for enabling a user to access to a voicemail service comprising:

a central office switch (Figure 2, label 210) in communication with a customer premises equipment (CPE) (Figure 2, label 200), the central office switch comprising:

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a supplementary service processor, Figure 3, operative to receive a sequence of characters from the CPE, generate a query to a supplementary service database when the sequence of characters is a predetermined n-character messaging sequence, where  $n < 7$ , to determine whether the central office switch supports a supplementary service (Figure 3 and Col. 4, lines 40-60); and

receive a call forwarding number from the supplementary service database if the central office supports the supplementary service and the user had access to the voicemail service (Figure 3 and Col. 4, lines 40-60);

wherein the central office switch is operative to connect the CPE with a voicemail service in response to receiving the call forwarding number (Figure 3).

However, **Kasiviswanathan** fails to teach to determine whether a user has access to a voicemail service based on a caller identifier. **Mowery** teaches determining whether a user has access to a voicemail service based on a caller identifier (col.4, lines 52-64, col.5, lines 64-68, col.6, lines 1-19). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Kasiviswanathan** to determine whether the user has access to the voicemail service using a caller identifier in order to determine an authorized caller to leave the message.

As to Claim 2, **Kasiviswanathan** teaches the system of Claim 1, wherein the central office switch is further operative to prevent access to the voicemail service in response to a determination that the user does not have access to the voicemail service (Figure 3).

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As to Claim 3, **Kasiviswanathan** teaches the system of Claim 1, wherein the central office switch further comprises a router (Col. 4, lines 48-55).

As to Claims 4,18, **Kasiviswanathan** teaches the system of Claim 1, wherein the central office switch further comprises an error handler for sending an error message to the CPE in response to a determination that the user does not have access to the voicemail service (Figure 3).

As to Claims 5,12, **Kasiviswanathan** teaches the system of Claim 1, wherein the n-character messaging sequence includes a first '\*' star character (Col. 4, lines 7-21).

As to Claims 7,8,13, **Kasiviswanathan** the system of Claim 6, wherein the 3-character messaging sequence includes a first '\*' star character followed by a two number sequence (Col. 4, lines 7-21).

As to Claim 9, **Kasiviswanathan** teaches the system of Claim 1, wherein the supplementary service processor further comprises a routing table for storing a call forwarding number for a user that has access the voicemail service (Col. 4, lines 14-27).

As to Claim 10, **Kasiviswanathan** teaches the system of Claim 1, wherein the supplementary service database further comprises a redirecting identifier for connecting the user to an error

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message when the user is temporarily prevented from using the predetermined n-character messaging sequence to access the voicemail service (Figure 3).

As to Claim 19, **Kasiviswanathan** teaches the computer-readable storage medium of Claim 16, wherein generating a query to a supplementary service database comprises transmitting a DVMA caller identifier from the central office switch to the supplementary service database (Col. 4, lines 40-48).

As to Claim 20, **Kasiviswanathan** teaches the computer-readable storage medium of Claim 19, wherein receiving a call forwarding number if the central office supports the supplementary service and the user has access to the voicemail service further comprises verifying whether the user identified by the caller identifier subscribes to the voicemail service (Col. 4, lines 40-48).

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ME

MD SHAFIUL ALAM ELAHEE  
July 8, 2007

*Shafiu Alam Elahee*  
Primary Exam.  
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